

Louisville, also my alma mater, where he starred on the Cardinal baseball team and graduated in 1955 with a degree in marketing.

After graduating, Jim served a stint as a Captain in the United States Air Force and eventually returned to Louisville, which is also my hometown, where he embarked on a very successful business career as a restaurateur. Quite frankly, if you have ever eaten in Louisville, chances are you ate in one of Jim's restaurants. In 1959, he became a franchisee of Jerry's Restaurant. Ten years later he founded the Long John Silver's seafood restaurant chain. Under Jim's leadership, Long John Silver's rose to number one in the country, and today is the largest seafood restaurant chain in the world.

Jim helped found Chi-Chi's Mexican Restaurant, Rally's Hamburgers, and Western Restaurants. He has also founded the companies AmeriCall Services, Resource America and First Phone, worked with Gulfstream Petroleum, and currently owns Pattco LLC, a privately held investment vehicle.

Jim has always believed in sharing his success with the city he loves. In 1998, he founded School Choice Scholarships, a privately funded program that helps low-income families pay tuition for their elementary-aged children to attend private schools. School Choice Scholarships provide assistance for 650 Louisville youths, 250 of whom owe their scholarships to Jim personally.

Jim has finally combined his two loves, Louisville and baseball, by donating a very generous sum to enable the University of Louisville to begin construction on a new, \$10-million baseball stadium, which broke ground this October 7. In their gratitude, the university has named the facility the Jim Patterson Stadium.

Today, I ask my colleagues in the Senate to join me in paying tribute to Jim Patterson for his passion, kindness, and charity. He is a valuable member of the Louisville community.

TRIBUTE TO JAMES C. RUSSELL

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to one of Kentucky's barons of bourbon, Master Distiller James "Jimmy" C. Russell. This year marks Jimmy's 50th year of service at the Wild Turkey Bourbon Distillery in Lawrenceburg, KY. Jimmy is so beloved at Wild Turkey, they named one of their finest products after him in 2000—the 10-year-old Russell's Reserve. I recently toured the Wild Turkey Bourbon Distillery, where Jimmy showed me the bourbon-making process personally. The bourbon distillery tradition in Kentucky dates back to 1789, and has been handed down through generations of Kentuckians. Bourbon is truly a Kentucky product—named, in fact, for Bourbon County, Kentucky. Ninety percent of all bourbon worldwide is made in the Bluegrass State, and one of the most famous brands is Wild Turkey.

Jimmy was born and raised just 5 miles from the Wild Turkey distillery, and both his grandfather and father worked there. Jimmy entered the family business in 1954 when he got his first job at the Lawrenceburg distillery. He mastered the craft under Mr. Bill Hughes, Wild Turkey's second Master Distiller, and Mr. Ernest W. Ripy Jr., the son of one of the original owners of Wild Turkey.

Jimmy is especially proud that the family tradition will continue, as his son, Eddie, has worked at the Wild Turkey distillery for the past twenty years.

Jimmy has become a legend in the distilled-spirits community over the last five decades. He is a director of the Kentucky Distillers Association, and spends time as a goodwill ambassador for Wild Turkey Bourbon. Throughout the Wild Turkey Bourbon Distillery, he is known as a "master distillers' master distiller."

Jimmy is a respected figure in his hometown of Lawrenceburg. He is a deacon at his local church and a supporter of Anderson County High School athletics. He also adores his wife of fifty years, Joretta, and their rose garden.

Today I ask my colleagues to join me in honoring and recognizing Mr. James C. Russell, Master Distiller, and his 50 years of loyal service to the Wild Turkey Bourbon Distillery and the Lawrenceburg, KY, community.

COOPERATIVE RESEARCH AND TECHNOLOGY ENHANCEMENT ACT OF 2004

Mr. LEAHY. Mr. President, I am pleased that the House has voted to pass the Cooperative Research and Technology Enhancement Act, the CREATE Act of 2004, sending this important and needed legislation to the White House for the President's signature. This past March, I joined with Senator HATCH, Senator KOHL, and Senator FEINGOLD introducing the CREATE Act, which will provide a needed remedy to one aspect of our Nation's patent laws.

In 1980, Congress passed the Bayh-Dole Act, which encouraged private entities and not-for-profits such as universities to form collaborative partnerships that aid innovation. Prior to the enactment of this law, universities were issued fewer than 250 patents each year. Thanks to the Bayh-Dole Act, the number of patents universities have been issued in more recent years has surpassed 2,000—adding billions of dollars annually to the U.S. economy.

The CREATE Act corrects a provision in the Bayh-Dole Act which, when read literally, runs counter to the intent of that legislation. In 1997, the United States Court of Appeals for the Federal Circuit ruled, in *Oddzon Products, Inc. v. Just Toys, Inc.*, that non-public information may in certain cases be considered "prior art"—a standard which generally prevents an

inventor from obtaining a patent. The *Oddzon* ruling was certainly sound law, but it was not sound public policy, and as a result some collaborative teams have been unable to receive patents for their work. As a consequence, there is a deterrent from forming this type of partnership, which has proved so beneficial to universities, the private sector, the American worker, and the U.S. economy.

Recognizing Congress' intended purpose in passing the Bayh-Dole Act, the Federal Circuit invited Congress to better conform the language of the act to the intent of the legislation. The CREATE Act does exactly that by ensuring that non-public information is not considered "prior art" when the information is used in a collaborative partnership under the Bayh-Dole Act. The bill that the House passed today also includes strict evidentiary burdens to ensure that the legislation is tailored narrowly so as only to achieve this goal that—although narrow—is vitally important.

I also wish to draw attention to Senator HATCH's statement of June 25, 2004, in which he explained some of the more complex issues surrounding the CREATE Act. I agree entirely with his comments, which I will prove useful for those seeking a background understanding of this legislation.

Again, I thank the House for moving to pass this legislation as the 108th Congress drew to a close, and I would also like to thank in particular Senator HATCH, Senator KOHL, Senator FEINGOLD, Senator GRASSLEY, and Senator SCHUMER for their hard work in gaining this bill's passage.

HONORING OUR ARMED FORCES

CORPORAL JARROD L. MAHER

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a fellow Iowan, Marine Cpl Jarrod Maher, who gave his life for his country in Iraq, and to express my heartfelt sympathy to his family. A native of Imogene, IA, Corporal Maher was serving in the Baghdad suburb of Abu Ghraib as a member of the 1st Battalion, 4th Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force stationed in Camp Pendleton, CA. Only 2 weeks after his graduation from Shenandoah High School, Maher became a marine. Corporal Maher is survived by his father and mother, Kevin and Jacque Maher, as well as numerous siblings.

Jarrod Maher will be missed by a great many people. His service and sacrifice represent Iowa at its best. In describing him, his father, Kevin Maher said, "He loved being a Marine, but he also loved coming home. He loved the farm. He loved to help." In honor of Jarrod's spirit of selflessness, I ask my colleagues in the Senate and my fellow Americans to join me in paying respect to Marine Cpl Jarrod Maher.